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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,513	12/05/2003	Thomas C. Meiller	DP-309964-CIP	2377
22851	7590	10/21/2005	EXAMINER	
DELPHI TECHNOLOGIES, INC.			SPITZER, ROBERT H	
M/C 480-410-202			ART UNIT	
PO BOX 5052			PAPER NUMBER	
TROY, MI 48007			1724	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,513

Applicant(s)

MEILLER ET AL.

Examiner

Robert H. Spitzer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/05/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13,15-17 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 13 and 16 are indefinite because there is no direct antecedent basis for the recitation of "the adsorption component layer", as there is no use of the word "layer" in claim 10. Claims 15 and 17 are indefinite because there is no direct antecedent basis for the recitation of "the porous component layer", as no such "porous component layer" is recited in claim 10. Claim 22 is indefinite because there is no direct antecedent basis for the recitation of "the adsorption component layer", as there is no use of the word "layer" in claim 20.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,10,11,13,16 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the filter material and its method of making of Livingstone et al. (6,454,834), wherein at col. 5, lines 29-41 is shown the use of Kynol® carbon fiber sheets (either woven or nonwoven) for removal of hydrocarbons (evaporative emission treatment) .

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4,6,7,9,12,14,17,19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livingstone et al. (6,454,834) in view of Nakamura et al. (4,259,096). The claims differ from the disclosure of Livingstone et al. ('834) in the use of porous media on both sides of the activated carbon fibers. Nakamura et al. ('096) show the use of nonwoven fabric "13" and "17" on both sides of an activated carbon fiber paper-like medium. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the filter medium of Livingstone et al. ('834) with porous media on both sides of the activated carbon fibers, in view of the showing of Nakamura et al. ('096), so that any material which comes off of the activated carbon fibers is removed and any material in the feed stream which may affect the operation of the activated carbon fiber filter medium is also removed before contact with such medium.

7. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livingstone et al. (6,454,834) in view of Nakamura et al. (4,259,096), as applied in the paragraph directly above, further in view of Takahashi et al. (5,641,344). The claims differ from the disclosure of modified Livingstone et al. ('834) in the porous layers being made of polyurethane. Takahashi et al. ('344) show a porous layer "7" which is on both sides of an activated carbon element and is made from a polyurethane foam material. It

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would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use polyurethane as the material for the porous media in modified Livingstone et al. ('834), in view of the showing of Takahashi et al. ('344), as any material which will act as such porous media and not be adversely affected by the feed stream components can be used and be interchangeable.

8. Claims 8, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livingstone et al. (6,454,834) in view of Nakamura et al. (4,259,096), as applied in paragraph number 6 above, further in view of Fuchigami et al. (4,248,736). The claims differ from the disclosure of modified Livingstone et al. ('834) in the layers of porous media and activated carbon fibers being rolled about a support material. Fuchigami et al. ('736) show that activated carbon fibers in sheet form can be rolled about a distributor (support), in col. 6, line 51 through col. 7, line 4. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to structure the activated carbon fiber layer and any support layer in modified Livingstone et al. ('834) so that they are rolled about a support, in view of the showing of Fuchigami et al. ('736), because the specific structure of such filter material will be dependent upon where it is used and size of same will dictate whether it is used as flat sheets or a cylindrical shape.

9. The remaining references listed on the PTO-892 and those cited on the PYO-1449 show art of interest. Attention is directed to US 2005/0109327, in paragraphs [0040] to [0043], wherein "novoloid fibers" are shown to be commercially obtainable

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from Nippon Kynol and American Kynol under the Kynol® trademark, which is the same fiber utilized in applicants examples.

10. Applicants response to this Office action should also include the following editorial changes: para. [0005], line 5, "protection" should be "protect"; para. [0023], lines 1 and 3, "were" should be "where"; para. [0025], lines 16-20 are confusing because "adsorption component 116" and "adsorption component 118" are being referred to, but appear to be the same element; para. [0038], line 6, "in" should be inserted after "incorporated", and in line 7, "form" should be "from"; para. [0039], lines 3 and 5, "were" should be "where"; claim 8, line 3, "adsorber" should be "adsorption"; claim 11, line 2, both occurrences of "adsorber" should be "adsorption"; and, in claim 18, line 3, "adsorber" should be "adsorption".

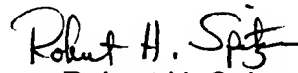
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Spitzer whose telephone number is (571) 272-1167. The examiner can normally be reached on Monday-Thursday from (5:30AM-4:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 21, 2005


Robert H. Spitzer
Primary Examiner
Art Unit 1724

September 21, 2005